

REMARKS/ARGUMENTS

Claims 1 - 34 are pending. Claims 1 - 34 are rejected. Claim 25 is amended herein.

As discussed below, all of the claims are in condition for allowance. **But if after considering this response, the Examiner does not allow all of the claims, then the Applicant's agent formally requests that the Examiner contact him to schedule and conduct a telephone interview before issuing a subsequent office action.**

Rejection of Claim 25 Under 35 U.S.C. § 101 As Being Directed to Non-Statutory Subject Matter

Claim 25

Claim 25 is amended to overcome the section 101 rejection. The Examiner is respectfully requested to remove his rejection.

Rejection of Claims 1-10, 20, 24, 26, 27, 31-33 Under 35 U.S.C. § 102(e) Over Halpern et al. (U.S Pat. No. 6,282,711)

Claim 1

Claim 1 recites receiving, from a user enabled electronic device, an input file to be used in creating a self-extracting file; and without further action by the user enabled electronic device, creating a self-extracting file using the input file. Claim 1 also recites that the input file is configured to automatically launch upon execution of the self-extracting file.

The Examiner has maintained his previous rejection where it is alleged that Halpern discloses every limitation of Claim 1. The Examiner provided no additional illumination regarding his reasoning.

Applicant's agent maintains his response that Halpern does not disclose every limitation of claim 1. The Applicant's agent will not duplicate his previous response giving reasoning for allowability. The Examiner is referred to the previous response to

office action submitted on 3/24/2009, the contents of which are incorporated by reference herein.

Generally, the Examiner seems to not give proper weight to the claim language "wherein the input file is configured to be automatically launched upon execution of the self-extracting file." A common thread through the citations provided by the Examiner is that extraction will occur automatically upon execution of a self-extracting compressed file. In contrast, none of the cited art discloses or reasonably suggests that an input file is not only extracted, but also launched for execution upon extraction.

In the interest of progressing to allowance or appeal, Applicant's agent offers the following additional explanation in the hope that the Examiner might more fully appreciate the Applicant's position vis-à-vis Halpern.

Halpern does not disclose receiving an input file to be used in creating a self-extracting file from a user-enabled electronic device.

Halpern discloses receiving from a user a selection of a subset of software application "components and options" available for installation. Halpern does not anywhere disclose that a user-enabled electronic device sends any input file to Halpern's server.

Halpern does not even disclose that the user-enabled electronic device *selects* an input file. The "components and options" of Halpern are program functionalities that do not have a one-to-one correspondence with files. Therefore, even if one incorrectly reads claim 1 such that receiving an input file "from a user-enabled electronic device" means the same thing as receiving a user-selected input file from "*anywhere*," Halpern still does not disclose receiving such an input file.

Halpern does not disclose creating a self-extracting file using the input file without further action by the user enabled electronic device.

This is simply nowhere to be found.

Perhaps the Examiner incorrectly believes that user selection of "components and options" is somehow equivalent to receiving an input file. Even if this incorrect understanding of Halpern was true, Halpern is, at best, silent regarding further action.

Presumably, after the user selects “components and options,” the user will need to submit payment for the selected program, or will at least need to click “OK” or “Submit”. Any additional action before creating a self-extracting file violates “without further action.” Even if one incorrectly equates receiving a selection of components and attributes with receiving an input file, Halpern still does not disclose that the self-extracting file is created without further action.

Halpern does not disclose the input file is configured to be automatically launched upon execution of the self-extracting file.

As explained above, trying to tie to Halpern further actions related to the input file is akin to building another story on a house of cards because Halpern does not disclose receiving an input file. However, even if we ignore that, Halpern still does not disclose that the file is configured to be automatically launched.

Halpern discloses that the compressed files (which are NOT an “input file”) are configured to be automatically extracted upon execution of the self-extracting file. Automatic extraction of a file is not the same as automatically launching the file that is extracted. Moreover, by comparing Halpern’s Step 7 to Step 12 [column 7, lines 55-56], it is apparent that Halpern’s “*input file*” is not even automatically *installed* upon execution of the self-extracting file. The client installer program is a separate entity. Needless to say, a program that is not installed automatically also cannot be launched automatically. Automatic extraction of a file is not the same as automatically launching the file. Nowhere does Halpern say the program is either installed or run automatically.

Response to Arguments

Halpern column 5, lines 41-44 apparently bears no relation to the recited limitations of claim 1. The cited location is about a UI for a program options selection process.

Halpern column 6, lines 47-52 contains its own rebuttal of the Examiner’s position: “the user may simply execute the received setup.exe or install.exe file to immediately install the applications and options...” Requiring a user to execute a program (setup.exe or install.exe) is inconsistent with automatic launching upon

execution of the self-extracting file (even if it is an input file received from the user enabled electronic device that is launched). Moreover, setup.exe or install.exe apparently would only install the file, not launch the file.

Halpern column 3, lines 42-49 and Fig. 1 apparently bears no relation to the recited limitations of claim 1. Halpern does not mention anything that could remotely be interpreted as “auto-start” at the cited location.

Halpern column 3, lines 23-25; column 3, lines 62-67; column 4, lines 1-5 do not appear to be in any way related to the recitation of claim 1. The Applicant’s agent respectfully suggests that perhaps the Examiner was looking at a different piece of prior art when making the citations. Halpern column 6, lines 47-52 contains its own rebuttal of the Examiner’s position as described above.

The Applicant’s agent does not find in Halpern disclosure of an “auto-launch” or “auto-start” feature that relates to the recitation of claim 1. There is a mention of an “auto-start utility” at column 6, line 49, but that is not related to the recitation of claim 1 for reasons described above. Halpern apparently only includes this in a list of possible program components and does not describe what it is. It is suggested that perhaps this relates to a program component that can automatically launch an application responsive to clicking on a linked data file type. But that is not what is recited by claim 1. If the Examiner wishes to maintain this position, the Applicant’s agent respectfully requests a citation.

Halpern column 6, lines 49-50 are unrelated to naming a file.

Halpern column 3, lines 42-49; FIG. 1; column 6, lines 47-52; column 7, lines 39-45; column 1, lines 33-39, column 4, lines 9-12; column 7, lines 39-41: The Applicant’s agent has carefully reviewed these cited locations and believes they do not relate to the pending claims. The Applicant’s agent respectfully asks the Examiner to re-read the pending claims and at least the cited locations of Halpern. If the Examiner still believes there is any relation, the Applicant’s agent would appreciate further explanation.

The Examiner’s additional responses to arguments have been reviewed. The claims are allowable for reasons similar to those described above.

Claims 2-9

As well-described in the previous response, claims 2-9 are allowable for various additional reasons. The Examiner did not provide any additional insight regarding his maintained rejection of claims 2-9. Claims 2-9 are also allowable by virtue of their dependence from claim 1 and for at least the reasons given for claim 1 above and in the previous response.

Claim 10

Claim 10 is allowable for reasons similar to those given for claim 1.

Claim 20

Claim 20 recites creating a self-extracting file from an input file, wherein the input file is one of a plurality of file types, and automatically selecting a loader based on the input file's type, wherein the input file will be automatically launched upon execution of the self-extracting file.

As discussed above with respect to claim 1 and in the previous response, Halpern does not disclose an input file being automatically launched upon execution of a self-extracting file.

Moreover, Halpern does not disclose automatically selecting a loader based on the input file's type. On page 7 of the Office Action, the Examiner asserts that "the limitations of claims 10, 20, 26 and 32 are rejected in the analysis of Claim 1 above, and these claims are rejected on that basis." However, claim 1 does not recite automatically selecting a loader based on an input file's type. If the Examiner maintains the rejection against claim 20, Applicant's agent requests that he specify which portions of Halpern anticipate the recited limitations of the claim.

Claim 24

Claim 24 recites a system for receiving a user a selection of an input file to be used in creating a self-extracting file, compressing the received input file, and creating, in response to only a single action by a user, an executable file from the compressed input file wherein the input file is automatically launched upon execution of the executable file.

As discussed above with respect to claim 1, Halpern does not disclose receiving from a user a selection of an input file. Halpern only discloses allowing a user to select

a subset of components and options related to a desired software program, after which a subset of files relevant to those components and options are packaged and distributed to the user.

Moreover, for reasons similar to those given for claim 1, Halpern does not disclose an executable file, wherein the input file is automatically launched upon execution of the executable file. Halpern only discloses self-extraction. Not automatic launching of an input file following the self-extraction. Accordingly, Halpern does not disclose all the limitations of claim 24, and claim 24 is allowable over Halpern.

Claim 26

Claim 26 recites receiving an input file from a user to be used in creating a self-extracting file, and automatically creating a self-extracting file.

In contrast, and as discussed above with respect to claim 1, Halpern does not disclose receiving from a user an input file to be used in creating a self-extracting file. Halpern discloses that a user is allowed to select a subset of program “components and options” available for installation, after which a subset of files corresponding to those components and options are packaged and distributed to the user. Halpern does not disclose receiving any file from a user. Accordingly, Halpern does not disclose all the limitations of claim 26, and claim 26 is allowable over Halpern.

Claim 27

Claim 27 is allowable at least for reasons similar to those given for claims 1 and 3. Namely, Halpern does not disclose an input file being automatically decompressed and launched upon execution of an executable file. Halpern also does not disclose receiving an input file in response to a single action. Accordingly, Halpern does not disclose all the limitations of claim 27, and claim 27 is allowable over Halpern.

Claim 31

Claim 31 recites executing an executable file to decompress a compressed copy of an input file, and launching the decompressed input file with appropriate application software.

In contrast, as discussed above with respect to claim 1 and in the previous response, Halpern does not disclose launching a decompressed input file with appropriate application software, but rather discloses decompressing a desired software

program by executing an executable file. Halpern does not disclose that the software program is launched with appropriate application software after the executable file is executed. Accordingly, Halpern does not disclose all the limitations of claim 31, and claim 31 is allowable over Halpern.

Claim 32

Claim 32 is allowable at least for reasons described above with respect to claim 1 and in the previous response.

Claim 33

Claim 33 is allowable at least by virtue of its dependency from claim 32.

Rejection of Claims 21-23 Under 35 U.S.C. § 102(e) Over Wygodny et al.
(U.S Pat. No. 6,202,199)

Claim 21

Claim 21 recites displaying a first frame used to allow a user to specify an input file to be converted to a self-extracting file, receiving the input file specified by the user, wherein the received input file is automatically configured as a self-extracting file, and wherein the input file is automatically launched upon execution of the self-extracting file, and displaying a second frame, wherein the second frame includes a link related to the self-extracting file created from the user specified input file.

The Examiner has maintained his previous rejection where it is alleged that Wygodny discloses every limitation of Claim 21. The Examiner provided no additional illumination regarding his reasoning, instead choosing to merely repeat his grounds for rejection.

Applicant's agent maintains his response that Wygodny does not disclose every limitation of claim 1. The Applicant's agent will not duplicate his previous response giving reasoning for allowability. The Examiner is referred to the previous response to office action submitted on 3/24/2009, the contents of which are incorporated by reference herein.

To amplify, Wygodny at column 17, lines 1-2, rather than anticipating the limitations of claim 21 as alleged, provides its own rebuttal to the Examiner's rejection. "At the end of installation, the user 110 can launch the agent 102." In this case the

agent 102 was the payload in the self-extracting file.

In contrast, claim 21 recites that “the input file is automatically launched upon execution of the self-extracting file.” If Wygodny’s agent 102 was automatically launched upon execution of the self-extracting file, then it makes no sense that the user can launch the agent after extraction because the agent would already be launched.

Additional cited locations of Wygodny apparently have nothing whatsoever to do with the recited limitations of claim 21 beyond normal UI aspects.

Claim 21 is allowable for at least this reason. Claim 21 is also allowable for reasons presented in the previous response.

Claim 22

Claim 22 recites, in part, “a loader module configured to setup the executable file to launch the input file upon execution of the executable file.”

The Examiner has maintained his previous rejection where it is alleged that Wygodny discloses every limitation of claim 22. The Examiner provided no additional illumination regarding his reasoning.

Applicant’s agent maintains his response that Wygodny does not disclose every limitation of claim 22. The Applicant’s agent will not duplicate his previous response giving reasoning for allowability. The Examiner is referred to the previous response to office action submitted on 3/24/2009, the contents of which are incorporated by reference herein.

For reasons similar to those given for claim 21, Wygodny does not disclose a loader module configured to setup the executable file to launch the input file upon execution of the executable file. Wygodny discloses a self-extracting file. The self extracting file produces a file that is not automatically launched. According to Wygodny at column 17, lines 1-2: “At the end of installation, the user 110 can launch the agent 102.” If the agent was automatically launched upon extraction, it would not be necessary for the user to launch the agent.

Claim 23

Claim 23 is allowable by virtue of its dependence from claim 22.

Rejection of Claims 11-19, 25, 28-29, 30, 34 Under 35 U.S.C. § 103(a) Over Halpern et al. in View Of Gage et al. (U.S. Pat. No. 5,923,846)

Claims 11-19

Claims 11-19 are allowable at least by virtue of their respective dependence from claim 10.

Halpern and Gage, alone and in combination, fail to disclose or reasonably suggest all the limitations of claim 10 or claims 11-19, and claims 11-19 are therefore allowable over Halpern and Gage.

Claim 25

Claim 25 is amended for reasons not related to allowability over the prior art. Claim 25 recites a compressed input data portion corresponding to an input data file, and a self-extracting stub portion that includes a loader operable to launch the decompressed input data portion with appropriate application software for handling the input data file.

Claim 25 is allowable for reasons similar to those given for claim 1 above, and for reasons given in the previous office action. Halpern and Gage, alone and in combination, fail to disclose or reasonably suggest a loader operable to launch a decompressed data portion.

Claim 28-30

Claims 28-30 are allowable for reasons similar to those given for claims 1 and 25.

Claim 34

Claim 34 is allowable at least by virtue of its dependence from claim 32.

In the event additional fees are due as a result of this amendment, the Commissioner is hereby authorized to charge any deficiency of fees submitted herewith, or credit any overpayment, to Deposit Account No. 07-1897.

If the Examiner believes that a telephone interview would be helpful, he is respectfully requested to contact the Applicant's agent at (425) 455-5575.

Dated this 8th day of September, 2009.

Respectfully submitted,

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